

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

- v -

JAMES ALISHEVSKY,

Defendant.
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ORDER OF CONTINUANCE

15 Mag. 3556

Upon the application of the United States of America and the affirmation of Won Shin, Assistant United States Attorney, it is found that JAMES ALISHEVSKY, the defendant, was charged with a violation of 18 U.S.C. § 641 in a complaint dated October 5, 2015, and was arrested on October 8, 2015;

It is further found that the defendant was presented before Magistrate Judge Paul E. Davison on October 9, 2015, and the defendant was detained. Subsequently, on October 19, 2015, the defendant had a bail hearing before Magistrate Judge Lisa Margaret Smith and the defendant was granted bail. On October 20, 2015, the defendant had a bail hearing before District Judge Kenneth Karas and was released on the following conditions, among others: \$200,000.00 secured bond to be co-signed by one financially responsible person with \$25,000.00 to be secured by cash/property.

It is further found that Jason Ser, Esq., counsel for the defendant, has been engaging in preliminary discussions with the Government concerning possible disposition of this case without trial;

It is further found that the Government has requested a continuance of 28 days to engage in further discussions with counsel about the disposition of this case without trial and that

counsel for the defendant on behalf of the defendant has agreed that a continuance of 28 days may be granted for such purpose; and

It is further found that the granting of such a continuance best serves the ends of justice and outweighs the best interest of the public and the defendant in a speedy trial; and therefore it is

ORDERED that the request for a continuance pursuant to Title 18, United States Code, Section 3161(h)(7)(A) is hereby granted until **December 2, 2015**, and that a copy of this order and the affirmation of Assistant United States Attorney Won Shin be served by mail on counsel for the defendant by the United States Attorney.

Dated: White Plains, New York
November 4, 2015


UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v - :

AFFIRMATION

JAMES ALISHEVSKY, :

15 Mag. 3556

:
Defendant.
-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER : ss.:
SOUTHERN DISTRICT OF NEW YORK)

Won Shin, under penalty of perjury, hereby affirms as follows:

1. I am an Assistant United States Attorney in the Southern District of New York.

I submit this affirmation in support of an application for an initial order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to Title 18, United States Code, Section 3161(h)(7)(A).

2. JAMES ALISHEVSKY, the defendant, was charged with a violation of 18 U.S.C. § 641 in a complaint dated October 5, 2015. The defendant was presented before Magistrate Judge Paul E. Davison on October 9, 2015, and the defendant was detained. Subsequently, on October 19, 2015 the defendant had a bail hearing before Magistrate Judge Lisa Margaret Smith and the defendant was granted bail. On October 20, 2015 the defendant has a bail hearing before District Judge Kenneth Karas and was released on the following conditions, among others: \$200,000.00 secured bond to be co-signed by one financially responsible person with \$25,000.00 to be secured by cash/property.

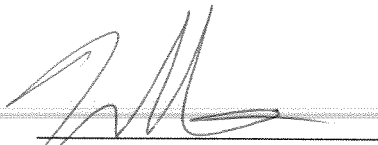
3. Jason Ser, Esq., attorney for the defendant, has since been engaging in preliminary discussions with the Government concerning a possible disposition of this case without trial, and those discussions are ongoing. The Government hereby requests that a continuance of 28 days be granted, during which time we may pursue further discussions.

4. On November 2, 2015, I spoke with Mr. Ser, counsel for the defendant, who agreed on behalf of the defendant that the requested continuance of 28 days is appropriate in these circumstances.

5. For the reasons stated above, the ends of justice served by the granting of the continuance requested outweigh the best interests of the public and defendant in a speedy trial.

6. Pursuant to Title 28, United States Code, Section 1746, I declare under penalties of perjury that the foregoing is true and correct.

Executed on November 3, 2015.

A handwritten signature in black ink, appearing to read 'Won Shin', is written over a horizontal line.

Won Shin
Assistant United States Attorney

*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK*

IN RE: ORDER OF CONTINUANCE

AFFIRMATION

*PREET BHARARA
United States Attorney for Southern District of New York
(914) 993-1900*